

July 19, 2013

Jerry Brown, Chowchilla Tribal Chairman
10553 North Rice Road
Fresno, California 93730

RE: FEDERAL RECOGNITION OF THE CHOWCHILLA TRIBE

Dear Chairman Brown,

I am pleased to know that the Chowchilla are proceeding toward federal recognition as I have recommended on several occasions and, to assist you, I will here present factual evidence, gathered in my four-year study of the tribe, that I believe strongly supports such recognition of the Chowchilla. To present this evidence, I will address each of the federal criteria, published in the Code of Federal Regulations, Title 25, Part 83.7, separately because you will have to answer each of the criteria in that way. However, it is important to realize that two major obstacles will remain to be overcome. The factual evidence must be supported with documentation and, at the same time, you should provide an overall picture of the tribe as a whole. In the latter effort, I think my book, *The Ethnohistory of the Chowchilla Yokuts*, will be of some assistance. Hopefully, the book will give the reviewers in Washington a broader and deeper understanding of the Chowchilla and their tumultuous history.

Federal criterion (a): The petitioner has been identified as an American Indian entity on a substantially continuous basis since 1900.

The Chowchilla Yokuts Tribe has been identified repeatedly as a social unit since the earliest times as shown by its inclusion as such in the Treaty of 1851 at Camp Barbour. Since 1900, the tribe has been recognized by the federal government in the following ways: *First*, the tribe has received money from the federal government in compensation for the land promised by the 1851 Treaty in 1946 and 1972. *Second*, Indians specifically identified as Chowchilla have received allotments from the federal government after 1900. *Third*, tribal members included on the 1928 census of California Indians were specifically identified as Chowchilla. *Fourth*, the Chowchilla tribe has been and continues to be recognized by leading anthropologists, including Alfred Kroeber, Anna Gayton, and C. Hart Merriam. *Fifth*, the Chowchilla people have been recognized as a tribe continuously by the BIA office in Sacramento. *Sixth*, both local and state governments have, on numerous occasions, recognized the Tribe. *Seventh*, other Indian Tribes recognize the Chowchilla as a distinct tribe. The Chukchansi Tribe, for example, used membership in the Chowchilla Tribe as one of their criteria for inclusion in the federally recognized Picayune Rancheria.

Leadership then passed to the current leader, Jerry Brown. Over the last decade as the Chowchilla chairman, Jerry has represented his Tribe in efforts to get the Tribe reinstated in the Picayune Rancheria but his main goal has become the federal recognition of the Tribe. The attainment of recognition has become very laborious and time-consuming primarily as the result of the difficulty of documenting historical facts. However, Jerry has a great vision of the tribe working to enhance the wellbeing of Indians in the Madera-Fresno area without a casino. Unfortunately, Jerry's job has been made considerably more difficult by the approval of the governor and state legislators allowing the construction of a casino by another tribe, the North Fork Monos, *on the Chowchilla homeland*. Despite this setback, Jerry remains dedicated to leading the Chowchillas to federal recognition.

Federal criterion (d): A copy of the group's present governing document including its membership criteria.

The Tribe's constitution constitutes major documentation..

Federal criterion (e): The petitioner's membership consists of individuals who descend from a historical Indian tribe or from historical Indian tribes which combined and functioned as a single autonomous political entity.

As mentioned above, all of the Chowchillas are descended from the remnants of the tribe that survived the Mariposa War. This can be accomplished by presenting the composite genealogy of the tribe that I compiled. In addition, quoting a published explanation of the criteria, the tribe "must provide an official membership list, separately certified by the group's governing body, of all known current members of the group. This list must include each member's full name (including maiden name), date of birth, and current residential address. The petitioner must also provide a copy of each available former list of members based on the group's own defined criteria, as well as a statement describing the circumstances surrounding the preparation of the current list and, in so far, as possible, the circumstances surrounding the preparation of former lists."

Federal criterion (f): The membership of the petitioning group is composed principally of persons who are not members of any acknowledged North American Indian tribe. However, under certain conditions a petitioning group may be acknowledged even if its membership is composed principally of persons whose names have appeared on rolls of, or who have been otherwise associated with, an acknowledged tribe. The conditions are that the group must establish that it functioned through history until the present as a separate and autonomous Indian tribal entity, that its members do not maintain a bilateral political relationship with an acknowledged tribe, and that its members have provided written confirmation of their membership in the petitioning group.

The book, *The Ethnohistory of the Chowchilla Yokuts*, should be helpful in satisfying this criterion.

Federal criterion (b) A predominant portion of the petitioning group comprises a distinct community and has existed as a community from historical times until the present.

The Chowchilla Tribe was reduced to a small group first by the Spanish missions and then by the Americans in the Mariposa War. The tribe maintained its unity and distinct cultural identity, however, through the leadership of Chief Blackhawk and his niece, Mary Blackhawk. Today all of the members of the Tribe trace their ancestry to Chief Blackhawk and Mary Blackhawk and more than 50% of the Tribe lives within sight of Blackhawk Mountain. A complex network of kinship and social ties now links the Tribal members. They come together to celebrate their Indian tribal identity at marriages, deaths, and annual festivities. Working on ranches and farms, they gather to help each other with the large jobs that occur on ranches and farms (e.g., driving livestock to upland pastures, taking livestock and other farm products to market).

Federal criterion (c) The petitioner has maintained political influence or authority over its members as an autonomous entity from historical times until the present.

Political control over the Tribe has always been vested in a chief or tribal chair that was assisted by a tribal council. During the Mariposa War, the great chief, Jose Rey, led the Tribe. After he was killed in battle, his brother, Poholeel (later known as Chief Blackhawk) became the leader. When Chief Blackhawk died in 1891, Mary Blackhawk led her people until her death in 1913. Leadership then shifted her daughter, Jane Lewis, and her granddaughter, Carmelita Romero. Carmelita was a strong and revered leader through the first half of the twentieth century when several external disruptions occurred. Carmelita was the one tribal members turned to for help in dealing with missionaries, mandatory Indian schools far from home, allotments, the Indian Reorganization Act, and the continual encroachments upon Indian land. After World War II, Carmelita transferred the leadership to her son, Leonard Topping, when he returned from the war. Leonard held the leadership during the time of the Rancheria terminations in the late 1950s when the federal government cut off all assistance and abandoned the Indians. He held the Tribe together through the economically difficult years that followed and, under his guidance, a formal tribal constitution was produced and approved by the tribe in 1978. This constitution defined the chairmanship of the tribe and formalized the formation and selection of the tribal council. One year later, in 1979, the Picayune Rancheria in Coarsegold, California, with which the Chowchilla were associated, was reinstated and Chowchilla Indians became recognized by the federal government as part of that Rancheria. During the next twenty years, there was governmental aid in matters of education and health. In the late 1990s, however, the Picayune leadership elected to build a casino in Coarsegold. This casino brought great political turmoil and, by the end of that decade, Chukchansi Indians, who were also associated with the Picayune Rancheria, gained control of the Rancheria. These Indians greedily decided to keep all of the casino wealth for themselves and disqualified the Chowchilla Indians for membership. Leonard had by then become somewhat handicapped by the difficulties of age and eventually died in 2000 at the age of 78.

Federal criterion (g) Neither the petitioner nor its members are the subject of congressional legislation that has expressly terminated or forbidden the Federal relationship.

This criterion will be addressed primarily by the reviewers. The Tribe might, for its part, provide a sworn affidavit stating for the record that the Tribe is not presently terminated nor being terminated and not under any federal condition prohibiting recognition.

In concluding, I hope your work toward recognition goes well and speedily and that the factual evidence presented above will be useful in meeting the needs of the government.

Sincerely,

Robert F. Manlove, AB, BS, MA, MS, PhD
Anthropologist
Formerly Visiting Scholar, Anthropology
Department, U. C. Berkeley
Dean of Science and Mathematics, emeritus,
City College of San Francisco